204 Tenure

Approved by Board of Trustees
Effective Date: June 5, 2017, 2020
Responsible Division: Academic Affairs
Responsible Office: University Provost
Responsible Officer: University Provost

I. Purpose

This policy establishes criteria and procedures relating to academic tenure at Middle Tennessee State University (MTSU or University).

It is important to note that the listed criteria represent minimum standards set by the University to attain standards for tenure. College and/or department policies relating to the tenure process must meet the criteria as specified herein, but may exceed and be more specific than the minimum University standards required by the University. All college and department policies will be reviewed for consistency with this policy by the Provost and approved by the President. Approved college and department policies will be made available online. Materials are submitted using the institution’s digital faculty activity software of record, unless the Provost has approved an exception.

II. Definitions

The following are general definitions of words and terms used in this policy, which are not hereinafter specifically defined; however, the words and terms are subject to further qualification and definition in the subsequent sections of this policy or those of colleges and departments.

A. Academic Tenure. A personnel status in an academic department or academic program unit pursuant to which the academic or fiscal year appointments designation that guarantees holders of full-time faculty who have been awarded tenure are continued continuing employment at the University until the expiration or relinquishment of that status, subject to terminations such status is abandoned or removed for adequate cause, for financial exigency, or for curricular reasons. Tenure may only be awarded only by positive action of the Board of Trustees (Board).

B. Adequate Cause. A basis upon which a faculty member, either with academic tenure or a tenure-track appointment prior to the end of the specified term of the appointment,
may be terminated. The specific grounds which constitute adequate cause are set forth in Section VII.

C. Financial Exigency. The Board’s formal declaration by the Board that the University faces an imminent financial crisis, that there is a current or projected absence of sufficient funds (appropriated or non-appropriated) for the campus as a whole to maintain current programs and activities at a level sufficient to fulfill its educational goals and priorities, and that requiring the budget University can only to be balanced by resort to extraordinary means, including the termination of existing and continuing academic and non-academic appointments, to balance the budget.

D. Tenurable Faculty Member. A full-time employee who holds academic rank as assistant professor, associate professor, or professor and is potentially eligible for tenure. Although full-time non-tenurable faculty appointments are recognized by the University (e.g., temporary, instructor-coordinator-clinical track/professional practice/research-track, instructional coordinator, and visiting distinguished professor), use of the term “faculty member” in this policy applies only to tenurable faculty positions (assistant professor, associate professor, professor) unless otherwise noted. See Policy 202 Faculty Definition, Roles, Responsibilities, and Appointments Types.

E. Probationary Employment. Period of full-time professional service by tenure-track faculty members before they have been granted tenure. During this time, they are evaluated by the University for the purpose of determining their satisfaction determine whether they are making progress toward the criteria for a recommendation for tenure. Probationary tenure-track employment provides an opportunity for faculty members to assess demonstrate their commitment to the University and for the University to determine whether they meet its stated criteria of quality and/or the University’s projected need. The tenure clock starts on the date specified in the letter of appointment.

F. Tenure Clock. Metaphor used to describe the passage of time during the probationary period, between the date specified in the letter of appointment and the date of the tenure decision.

G. Department. Academic unit (Department or School)

H. Chair. Departmental officer, which includes School Director.

Faculty Appointments. Defined in Policy 202 Faculty Definition, Roles, Responsibilities, and Appointments Types.

I. Academic Year. The period of time consisting of the Fall and Spring semesters.

J. Teaching. Any activity which information is imparted so that others may learn, and may include, but is not limited to, a variety of techniques
that fosters and facilitates student learning, including, but not limited to, instruction, student advising and/or mentoring, assessment, and the development of course materials, and courseware, and innovative approaches to instruction.

I.---K. Research/Scholarship/Creative Activity. Research/scholarship/creative activity encompasses the studious inquiry, examination, or discovery that contributes to disciplinary and interdisciplinary bodies of knowledge and is disseminated to an appropriate audience. Research/scholarship/creative activity may include, but is not limited to, disciplinary and interdisciplinary activities that focus on the boundaries of knowledge, field-based scholarship, creative activities (i.e., film-making, g., media production, performances, or other artistic creations), research in the scholarship of teaching and learning, and seeking-grantsgrant-writing to support such activities.

J.-L. Service. Service encompasses a faculty member’s activities in three (3) areas: University service, professional service, and public service.

1. University service refers to work other than teaching and research/scholarship/creative activity done at the department, college, and/or University level. Participation in university service is expected of every faculty member. University service includes, but is not limited to, participation on department, college, and university committees. Some faculty members may accept more extensive citizenship functions, such as a leadership role in the Faculty Senate, membership on a specially appointed task force, advisor to a university-wide student organization, and/or membership on a university search committee. University service is expected of every faculty member.

2. Professional service refers to the work done for disciplinary professional organizations germane to one’s discipline or the teaching profession generally. Service to the profession includes, but is not limited to, association leadership, journal editorships, articles and grant proposal review, guest lecturing on other campuses, and other appropriate activities. While it is difficult to define the exact nature of significant professional service, clearly more is required than organizational membership and attendance; examples of significant service would be that done by an officer of a professional organization or a member of the editorial staff of a journal.

3. Public service refers to the University’s outreach to the community and society at large, with major emphasis on the application of knowledge for the solution of problems with which society is confronted. Public service primarily involves sharing professional expertise and should directly support the goals and mission of the University.
L M. Rebuttal. A candidate may add a letter of rebuttal, addressing and providing evidence of errors of fact, within ten (10) business days of the posting date of the letters from the Chair, college tenure and promotion committee, and/or the Dean, as recorded by the faculty activity software.

III. Consideration for Tenure

A. Tenure Appointments

1. The awarding of tenure is recognition of the merit of a faculty member and of the assumption that he/she would meet the long-term staffing needs of the department or academic program unit and the university. Tenure is awarded only to those members of the faculty who have exhibited professional excellence and outstanding abilities sufficient to demonstrate that their future services and performances justify the degree of permanence afforded by academic tenure. Non-faculty positions are not eligible for tenure. Tenure appointments reside in the departments and academic program units and are assurances of continued employment during the academic year subject to expiration, relinquishment, abandonment or termination of tenure as set out in Section VI. Recommendations VIII.

B. Tenure is awarded only to faculty members with tenure-track contracts following the rigorous vetting described below in Section IV, and to faculty and/or administrators who are recommended for tenure when the contract is issued.

C. Tenure resides in the academic departments and recommendations for or against tenure originate from the faculty member’s department.

D. In general, candidates for tenure must have earned the doctorate or other specified terminal degree in the faculty member’s discipline. The Provost, in consultation with the Dean, Chair, and department or academic program unit in which the faculty member is assigned and should include appropriate participation in the recommendation by tenured faculty in the department or academic program unit, may grant exceptions based upon a candidate’s extraordinary professional qualifications.

2. Tenure is awarded only by positive action of the Board, pursuant to the requirements and procedures of this policy. No faculty member will acquire or be entitled to any interest in a tenure appointment at MTSU without a recommendation for tenure by the President and a positive award of tenure by the Board. No other person will have any authority to make any representation concerning tenure to any faculty member, and failure to give timely notice of non-renewal of a tenure-track contract will not result in the acquisition of a tenure appointment, but will result in the right of the faculty member to another terminal year of service at the University, provided that no tenure appeals remain outstanding due to lack of cooperation and/or appropriate action on the part of the candidate in completing the appeal process, not in the awarding of tenure. (See Section VIII. A. 1.)
IV. Tenure Process

A. Tenure is awarded only by positive action of the Board, pursuant to the requirements and procedures of this policy.

1. Guidance through the Tenure Process
   a. Faculty will be given pertinent tenure criteria with their initial appointment and may be provided with a department or academic unit mentor. Workshops on portfolio development, information sessions on criteria, and other support mechanisms may also be presented for making the process and expectations clear to the tenure-track faculty member.

B. Tenure-track faculty members in years one, two, four, and five will be evaluated in writing annually and separately by their Department Chair/Director and their department tenure and promotion review and tenure committee. Separate copies of these evaluations will be provided to tenure-track faculty, placed in their department personnel files, and uploaded to the faculty member’s activity software for review by the appropriate Dean and to the Provost.

C. Tenure-track faculty entering with zero or one year of credit for prior service will receive a pre-tenure review in the third year of their probationary appointment. Faculty member will receive two (2) formal reviews during the tenure process: a pre-tenure review of progress toward tenure and a final review during the sixth (6th) year of the probationary period. The pre-tenure review will follow the process of the final tenure review through the department and college levels as outlined in Section III.V. Tenure-track faculty entering with zero (0) or one (1) year of credit for prior service will be subject to pre-tenure review in the third (3rd) year of their probationary appointment; probationary faculty entering with two (2) or three (3) years of credit for prior service will be subject to receiving a pre-tenure review in the fourth (4th) year of their probationary appointment. Exceptions must be approved by the Provost.

D. Tenure-track faculty members in year six will receive a full tenure review, to include recommendations by the Provost and President to the Board.

E. Types of evidence relevant to evaluating effectiveness and contributions in teaching, research/scholarship/creative activity, and service are identified in Section IV. of this policy.

E. Candidates choosing to apply for early tenure may forward their candidacy before their sixth year; however, if their application is denied, they will receive a terminal contract for the following year.

F. Applicants may withdraw from the tenure review process at any timepoint. In doing so, they forfeit claim to future tenure at MTSU.

V. Procedures for Tenure Recommendations
A. General Guidelines

(1) Consideration for tenure originates in the department or academic program unit to which the faculty member has been assigned. Faculty members are responsible for initiating the tenure process by the written notification to the Department Chair/Director by the deadlines specified in the tenure calendar. Candidates for tenure are also responsible for submitting to the Department Chair/Director the Outline of Faculty Data form and such pertinent supporting materials as are called for in Section IV detailed below using the University’s faculty activity software, unless the Provost has approved an exception.

(2) Administrators

2. After submission of the OFD, the only materials that may be added to the file are letters from the department committee, Chair, college committee, Dean, and Provost and any rebuttals, due within ten (10) business days of the posting date of the letters of recommendation at each level.

and committees involved in the review process (Department Committee, Department Chair/Director, College Committee, Dean, and Provost) shall only submit those materials, forms, letters, and other documentation required by the review process outlined below. This includes letters of recommendation which should specify the performance criteria used and explain how the candidate has or has not met those criteria.

(3) Except for the documents noted in the section above, no material can be added to the Outline of Faculty Data or supporting materials once the department and/or academic program unit review process has formally begun. It is important that all participants in the review process have access to the same set of materials.

3. Members of department and college tenure and promotion review committees shall not make individual recommendations concerning candidates to administrators or other review committees in the review process outside committee procedures.

4. Each spring semester, the Office of the Provost will issue the dates for faculty review and evaluation for the upcoming academic year; and department and college committees will be provisionally elected pending the Board’s awarding of tenure and promotion.

5. Policy 816 Nepotism will apply to all levels of the tenure process.

b.—Department and/or Academic Program Unit Review

(1) The review process for tenure recommendations at the department and/or academic program unit level consists of separate and independent considerations by the Department Chair/Director and a department tenure
and promotion review committee. Departments and/or academic program units may establish a single committee for both tenure and promotion review, or if deemed desirable and necessary, departments and/or academic program units may create two (2) peer review committees (a promotion review committee and a tenure and promotion review committee) as outlined in department policies, subject to approval by the Provost and President.

(2) Department Tenure and promotion review committee. Each department and/or academic program unit will develop written policies that cover the structure, annual election of committee members, and operating procedures of the department tenure and promotion review committee. A copy of these policies will be available to faculty members in the offices of their Department Chair/Director and Dean. At a minimum, these policies will include the following:

(a) Committee members must be tenured;
(b) All full-time tenured and tenure-track faculty members in the department and/or academic program unit are entitled to a vote on the committee membership;
(c) Non-tenure-track faculty are not entitled to vote on committee membership;
(d) Candidates for tenure and the Department Chair/Director cannot be members;
(e) A committee chair/director will be elected by the members of the committee;
(f) Whether there will be academic rank requirements for committee membership.

In situations where the staffing procedures described in the department policy cannot be implemented (for example, in the case of an inadequate number of tenured faculty or of specified academic rank), an alternate committee composition may be proposed subject to approval of the Provost, appropriate Dean, and faculty senate president prior to review of the candidate application(s).

(3) Review Process. The Department Chair/Director, after examining all materials submitted by each candidate for tenure, then forwards the materials to the department tenure and promotion review committee. The department tenure and promotion review committee will separately consider each candidate’s qualifications for tenure on such department, college, and University criteria as have been approved. After consideration, the committee will consult with the Department Chair. If the recommendations of the Department Chair/Director and committee are in concert, separate reports will be filed by the Department Chair/Director and by the committee to the appropriate Dean. If the recommendations of the Department Chair/Director and committee are in conflict, they will meet in an attempt to resolve the conflict prior to submitting written
recommendations to the appropriate Dean. If the conflicts cannot be resolved, reports submitted to the Dean by the committee and by the Department Chair/Director will each describe the points of conflict.

(4) When deliberations are concluded, the Department Chair/Director and the committee will separately notify each tenure candidate of the recommendation that has been forwarded to the appropriate Dean. Each candidate will be afforded the opportunity to meet with the Department Chair/Director and/or the department tenure and promotion review committee to discuss the review process and the data upon which the decision was made. It is the candidate’s responsibility to initiate requests for a meeting with the Department Chair/Director and/or department committee.

(5) In the case of departments or academic program units not affiliated with an academic college, the department tenure and promotion review committee will forward recommendations directly to the Vice Provost for Faculty Affairs, who will serve as Dean for the purposes of the review process. When conflicting recommendations result between the Vice Provost for Faculty Affairs and the department tenure and promotion review committee, they will meet in an attempt to resolve conflicts before forwarding recommendations to the Provost.

c. b. College Review

(1) The review process for tenure recommendations at the college level consists of separate and independent considerations by the Dean and a college tenure and promotion review committee.

(2) College Tenure and promotion review committee. Each academic college will develop written policies that cover the structure, election of members to terms of three (3) years and the operating procedures for the college tenure and promotion review committee. A copy of these policies will be available to faculty members in the offices of their Department Chair/Director and Dean. At a minimum, these policies will include the following:

(a) Colleges with six (6) or more departments will elect one (1) faculty member from each department to the committee; colleges with five (5) or fewer will elect two (2) faculty members from each department to the committee. (To provide for committee rotation, those tenured faculty elected to serve on the first college tenure and promotion review committee will draw numbers to determine whether they serve for periods of one [1], two [2], or three [3] years; one-third (1/3) of the members will rotate off the committee each year.)

(b) Committee members must be tenured;

(c) All full-time tenured and tenure-track faculty members in the department and/or academic program unit are entitled to a vote to elect their representative(s);

(d) Non-tenure-track faculty are not entitled to vote on committee membership;
(e) Department chair/directors cannot be members;
(f) A committee chair/director will be elected annually by the members of the committee;
(g) Colleges need to determine whether there will be rank requirements for those faculty members serving on the committee.

In situations where the staffing procedures described in the college policy cannot be implemented (for example, in the case of an inadequate number of tenured faculty or of a specified academic rank in a department), an alternate-committee composition may be proposed subject to approval of the Provost, appropriate Dean, and faculty senate president prior to review of the candidate application(s).

Each college Dean will provide the faculty senate president with the names of those elected to the college tenure and promotion review committee according to the timetable specified in the tenure calendar. The Faculty Senate president, in consultation with the Faculty Senate Steering Committee, may in turn appoint up to two (2) additional faculty members to each college tenure and promotion review committee to ensure diversity, which will provide for representation that reflects the make-up of the University.

(3) Review Process. Upon receipt of recommendations and other materials from the Department Chair/Director and department tenure and promotion review committee, the college Dean then forwards the materials to the college tenure and promotion review committee. The college tenure and promotion review committee is responsible for: a) consideration of each candidate’s qualifications using approved department, college, and university criteria; and b) reviewing the tenure recommendations of the department’s committee and chair/director for each candidate. Deans are responsible for: a) consideration of each candidate’s qualifications using approved department, college, and university criteria; and b) reviewing the recommendations of Department Chair/Director and department tenure and promotion review committees for each candidate. After consideration, the committee will consult with the college Dean. If the recommendations of the Dean and committee are in concert, the committee will forward all materials submitted, along with their own recommendations, to the appropriate Dean. If the recommendations of the college Dean and committee are in conflict, they will meet in an attempt to resolve the conflict prior to submitting formal recommendations. If the conflicts cannot be resolved, reports submitted by the committee to the Dean will describe the points of conflict. Deans will forward all materials submitted, along with their own recommendations, to the Provost.

(4) When deliberations are concluded, the academic Dean and the college tenure and promotion review committee will notify each candidate considered for tenure of their recommendations. Each candidate will be afforded the opportunity to meet with the Dean and/or the college tenure
and promotion review committee to discuss the review process and the data upon which the decision was made. It is the candidate’s responsibility to initiate requests for a meeting with the Dean and/or college committee.

d.b. Provost’s Review

(1) The Provost will review all recommendations on tenure and forward his/her recommendations to the President of the University, state whether the issuance of letters of non-renewal is necessary, and prepare a list of those to whom such letters are to be sent. The Provost is responsible for: a) consideration of each candidate’s qualifications using approved department, college, and university criteria; and b) reviewing the recommendations of Department Chair/Director, department tenure and promotion review committees, college tenure and promotion review committees, and Deans for each candidate. The Provost will forward all materials submitted, along with his/her own recommendations, to the President.

(2) On the same date a decision is forwarded to the President, the Provost will notify each person considered, along with the appropriate Dean and Department Chair/Director, of his/her decision. The Provost will afford each person considered an opportunity to meet and discuss the review process and the data upon which the decision was made. It is the candidate’s responsibility to initiate any request to review the process and data upon which the decision is made.

e. President’s Review

The President is responsible for: a) consideration of each candidate’s qualifications using approved department, college, and University criteria; and b) reviewing the recommendations of Department Chair/Director, department tenure and promotion review committees, college tenure and promotion review committees, Deans, and Provost for each candidate. The President will prepare a list of faculty recommended for tenure and submit it to the Board. The President will notify candidates, Department Chair/Directors, Deans, and Provost of his/her recommendations. When notified of official action by the Board, the President will provide written confirmation of the Board’s decisions to the candidates, Department Chair/Directors, Deans, and Provost.

f. Appeals

The appeals process for official review by members of the Faculty Appeals Committee is outlined in Policy 206 Tenure and Promotion Appeals. The appeal process should commence after the Provost has rendered his/her decision and notified the candidate of the decision. The President’s letter with the tenure recommendation to the candidate shall be sent after the appeal process is completed.

3. Calendar of the Review Process
Each Spring semester, the Office of the Provost will issue a calendar for the tenure review process for the upcoming academic year, which will include key dates at each major step in the process.

6. Qualified Privilege of Academic Confidentiality for Tenure Review Committees

   a. Peers and other faculty members serving on committees that make evaluations are expected to observe the highest appropriate standards of confidentiality concerning deliberations. Tenure and promotion review committees have qualified privilege of academic confidentiality against disclosure of individual tenure votes unless there is evidence that casts doubt upon the integrity of the committee. This policy will be interpreted in a manner consistent with the Tennessee Public Records Act, as recorded in T.C.A. § 10-7-101 et seq.

   b. In general, no such privilege of academic confidentiality is recognized for proceedings outside of the University. The records created during the tenure process are subject to disclosure pursuant to T.C.A. § 10-7-503, and information regarding the process may be sought by subpoena or court order.

C. Minimum Eligibility Requirements for Consideration for Academic Tenure

   1. Academic tenure may be awarded only to full-time faculty members who: (a) hold academic rank as assistant professor, associate professor, or professor and meet the minimum rank criteria for that rank under University policies; (b) have been employed pursuant to tenure-track appointments and have completed the probationary period of service as stated in the University’s policy, and/or as agreed upon in writing and signed by the appropriate academic officer; and (c) have been determined by the University to meet the criteria for recommendation for tenure and have been so recommended pursuant to this policy.

   a. Faculty members holding temporary, instructional coordinator, clinical, or research appointments are not eligible for tenure.

   b. Faculty members supported in whole or in part by funds available to the University on a short-term basis, such as grants, contracts, or foundation sponsored projects, will not be eligible for tenure unless continuing support for such members can be clearly identified in the regular budget of the University upon the recommendation of tenure to the Board.

   c. No faculty member will be eligible for tenure unless the employee’s contract specifies his/her tenure status; provided that where a faculty member with tenure is appointed to an administrative position, he/she will retain tenure in a former faculty position only; and provided further that a faculty member otherwise eligible for tenure who also holds a non-faculty position may be
awarded tenure in the faculty position only, subject to the requirements of this policy.

d. In general, candidates for tenure must have earned the doctorate or other specified terminal degree in the faculty member’s discipline. The University may grant exceptions to this standard based upon its mission or based upon an extraordinary candidate. In the latter instance, the exception will be granted by the Provost in consultation with the Dean, Department Chair/Director and faculty in the appropriate department when the faculty member is employed.

B. Probationary Employment

1. Faculty members apply for tenure in the Fall semester of their sixth (6th) year, following a probationary period of not less than five (5) years. If tenure is denied, the seventh (7th) year is the terminal year.

2. Exceptions to the minimum probationary period may be made under special circumstances upon recommendation by the Dean and Provost.

E. Calculating the Probationary Period

Only full-time continuous service at the University will be included in determining completion of the probationary period, except where a break in service was pursuant to an approved leave of absence.

1. The probationary period starts on the date specified in the letter of appointment. Credit for Prior Service.

2. The probationary period of six (6) years may include credit for prior service when agreed to by the Provost and subject to the maximum permissible credit for prior service, as noted below. Credit toward completion of the probationary period may, at the discretion of the Provost, be given for a maximum of three (3) years of previous full-time service at colleges, universities, or institutes provided that the prior service is relevant to the University’s own needs and criteria. Any credit for prior service must be recognized and confirmed in writing in the appointment letter to a tenure-track position.

Approved Leave of Absence:

3. A period of approved leave of absence will be excluded from the requisite period for completion of the probationary period unless the President specified in writing prior to the leave of absence that it will be included in the probationary period. Leaves of absence may not be granted retroactively. During the probationary period, a faculty member may apply for a maximum of two (2) extensions in one (1) year increments so long as the total probationary period does not exceed six (6) years. Requests for an extension to a leave of absence follow the same procedure.

Stopping the Tenure Clock:

4. Faculty members in a tenure-track appointment may request to stop the tenure clock during their probationary period when circumstances exist that interrupt normal progress toward building a case for tenure. Discretion for stopping the tenure clock rests with the President in consultation with the Provost, the Chair, and Dean, and also requires supervisory approval. In such cases, the faculty member may grant a request to stop the tenure clock. Faculty members
may request to stop the tenure clock for one (1) year if they demonstrate circumstances reasonably warranting such interruption. Reasons for approving a request to stop the clock will typically be related to personal or family situations requiring attention and commitment that consumes the time and energy, or attention normally addressed directed to faculty duties and professional development. Examples may include, but are not limited to, such as childbirth or adoption, care of dependents, medical conditions or obligations, physical disasters or disruptions, or similar circumstances that require a fundamental alteration of one’s professional life. The intent of this provision is to serve the best interests of the University while providing neither preference to nor adverse effect on a faculty member’s process of developing a case for tenure. Once approved, the stop tenure clock year is not counted in the probationary period accrual.

Procedure to Modify the Probationary Period. A faculty member seeking a modification of his/her probationary period must submit his/her request, in writing, addressing the considerations described above. The request is to be submitted to the Department Chair for consideration and recommendation. The Chair’s recommendation is forwarded to the Dean of the faculty member’s college for consideration and recommendation; then to the Provost for consideration and recommendation; and finally to the President for approval or denial. The President will notify the faculty member, in writing, of the decision to approve or deny such exceptions within one (1) month of submission. Requests for modification of the probationary period should also be submitted to the Office of the University Counsel for review.

5. A faculty member who is appointed to an administrative position prior to a tenure award remains eligible for tenure under two (2) conditions: the faculty member must qualify for tenure under department or academic program unit, college, and university guidelines; and the faculty member must maintain a significant involvement in academic pursuits including teaching, research/scholarship/creative activity, and service. The time (or prorated portion of time) spent in the administrative position may be credited toward completion of the probationary period.

6. Whereif a faculty member is serving a probationary period in a department or academic program unit and is subsequently transferred to another department or academic program unit, the faculty member may, with the approval of the President Provost, elect to begin a new probationary period on the date that the transfer occurs. If they do not so elect (and confirm in writing to the President Provost), time spent in the first appointment will count toward establishing the minimum and maximum probationary period.

7. Employment during Summersummer terms or in part-time positions will not be credited toward satisfying the probationary period.
7. When a Faculty members whose tenure-track appointments begin in January may negotiate at the time of hire whether the spring semester is included in their probationary period, subject to approval by the Dean and Provost. For faculty member’s whose tenure-track appointments begins in January, whether the spring semester counts toward the probationary period service for that semester shall be negotiated at time of hire, subject to approval by the dean and provost, will be counted for tenure as one (1) whole academic or fiscal year.

Exceptions to the minimum probationary period may be made under special circumstances upon recommendation by the Dean and Provost. Tenure-track faculty in their sixth year must submit the completed tenure application in accordance with the established calendar unless otherwise stipulated in the employment contract or the tenure clock has been stopped. A faculty member who fails to apply for tenure by the prescribed date will automatically be denied tenure.

C. Department Review

1. All departments will use approved policies that cover the structure, annual election of committee members, and operating procedures of the department tenure and promotion review committee. A copy of these policies will be available online. At a minimum, these policies will include the following:

   a. Committee members must be tenured;

   b. All full-time tenured and tenure-track faculty members in the department may vote on committee membership;

   c. Non-tenure-track faculty may not vote on committee membership;

   d. Candidates for tenure and the Chair may not be members;

   e. A committee chair will be elected by the members of the committee;

   f. Academic rank requirements for committee membership must be stated in department tenure and promotion policy.

   If the staffing requirements described in the department policy cannot be met (as in the case of an inadequate number of tenured faculty or of specified academic rank), an alternate committee composition may be proposed by the department subject to approval by the Dean and Provost prior to review of the candidate application(s).

2. The review process for tenure recommendations at the department level consists of separate and independent considerations by the department tenure and promotion review committee and the Chair.
a. The department tenure and promotion review committee will consider each candidate’s qualifications for tenure using the approved department, college, and University criteria and shares their recommendation with the Chair.

b. The Chair considers each candidate’s qualifications for tenure using the approved department, college, and University criteria and shares their recommendation with the department tenure and promotion committee.

If the two recommendations differ, the Chair and committee will meet to discuss, later submitting independent recommendations to award or deny tenure, copying the candidate.

A-D. College Review

1. All colleges will use approved policies that cover the structure, election of members to terms of three (3) years, and the operating procedures for the college tenure and promotion review committee. A copy of these policies will be available online. At a minimum, these policies will include the following:

   a. Colleges with six (6) or more departments will elect one (1) faculty member from each department to the committee; colleges with five (5) or fewer will elect two (2) faculty members from each department to the committee. (To provide for committee rotation, those tenured faculty elected to serve on the first college tenure and promotion review committee will draw numbers to determine whether they serve for periods of one (1), two (2), or three (3) years; one-third of the members will rotate off the committee each year.)

   b. Committee members must be tenured;

   c. All full-time tenured and tenure-track faculty members in the department may vote on committee membership;

   d. Non-tenure-track faculty may not vote on committee membership;

   e. Chairs may not be members;

   f. A committee chair will be elected annually by the members of the committee;

   g. Each college’s policy must state rank requirements for faculty members serving on the college committee.

If staffing requirements described in the college policy cannot be met (as in the case of an inadequate number of tenured faculty or of a specified academic rank
in a department), an alternate committee composition may be proposed subject to approval by the Provost and Faculty Senate president prior to review of the candidate applications.

Each Dean will provide the Faculty Senate president with the names of those elected to the college tenure and promotion review committee according to the timetable specified in the tenure and promotion calendar. The Faculty Senate president, in consultation with the Faculty Senate Steering Committee, may appoint up to two (2) additional faculty members to each college tenure and promotion review committee to ensure diversity and appropriate representation.

2. The review process for tenure recommendations at the college level consists of separate and independent considerations by the college tenure and promotion review committee and the Dean.

   a. Upon receipt of the recommendations and other materials from the department tenure and promotion review committee and Chair, the college tenure and promotion review committee will consider each candidate’s qualifications for tenure using the approved department, college, and University criteria. Following its review, the college committee shares their recommendation with the Dean.

   b. The Dean considers each candidate’s qualifications for tenure using the approved department, college, and University criteria and shares their recommendation with the college tenure and promotion committee. If the two (2) recommendations differ, the Dean and committee will meet to discuss, later submitting independent recommendations to award or deny tenure, copying the candidate.

E. Provost’s Review

1. The Provost considers each candidate’s qualifications using approved department, college, and University criteria; reviews the recommendations of the department tenure and promotion review committees, the Chair, college tenure and promotion review committees, and Dean; and forwards all materials, along with their recommendation to the President, copying the Dean, Chair, and faculty member.

2. The appeals process, outlined in Policy 206 Tenure and Promotion Appeals, may begin after the Provost has notified the candidate of their recommendation. The President’s letter with the tenure recommendation will be sent after the appeals process is completed.

F. President’s Review
The President considers each candidate’s qualifications using approved department, college, and University criteria; reviews the recommendations of Chair, department tenure and promotion review committee, college tenure and promotion review committee, Dean, and Provost for each candidate; and makes recommendations to the Board. The President will notify candidates, Chairs, Deans, and Provost of their recommendations. When notified of official action by the Board, the President will provide written confirmation of the Board’s award of tenure to the candidates, Chairs, Deans, and Provost.

VI. Criteria to be Considered in Tenure Recommendations

A. General Tenure Criteria

1. Staffing needs of each department/program and the total University are the first priority when faculty members are considered for tenure. Staffing needs are determined primarily by the current student enrollment, by the enrollment trends over the past five (5) to ten (10) year period, and by the overall mission of the department and University. An over-staffed department or even one whose enrollment trends indicate that it will soon become over-staffed, should not give serious consideration to tenuring additional faculty unless retirements and/or resignations of tenured staff appear imminent. The criteria relevant to assessing the long-term staffing needs of a department and the University are considered significant and are stated in a generic sense as follows: (a) mandates of the Tennessee Higher Education Commission; (b) University mission and long-term goals; (c) college mission and long-term goals; and (d) department academic program emphasis, specialized orientation, and long-term goals.

2. While the nature and relative importance of the criteria for recommendation for tenure depend upon the nature, missions, and goals of the college and the department or academic program unit, all faculty members considered for tenure

1. Faculty members being considered for tenure must demonstrate commitment to the goals of MTSU. As institutional citizens, they will adhere to high ethical standards. Prior to review of the OFD and supporting materials by the departmental committee, Chairs may include formal documentary evidence of breaches of University policies (e.g., 10 Ethics and Code of Conduct; 26 Discrimination and Harassment Based on Protected Categories Other than Sex; 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression; 211 Misconduct in Scholarly Activities and Research; and this policy in Section VIII.G.) as part of the review process. To be included in the materials for review, such evidence must be shared with the candidate at the time it is added to the materials.
2. **Candidates** will be evaluated with respect to their performance in (a) teaching, (b) research/scholarship/creative activity, and (c) service. They are expected to demonstrate high-quality performance in teaching, high-quality performance in one of the other two areas, and quality performance in the remaining area. College and department criteria, however, may require high-quality performance expectations for tenure to be dependent on the faculty member’s rank. See Policy 205 Promotion of Tenured and Tenurable Faculty, in both teaching and research/scholarship/creative activity, in which case those requirements will supersede the University’s requirements.

3. In all categories of evaluation, documentation of quality as evaluated by peers will be stressed over quantity. Within the context of teaching, research/scholarship/creative activity, and service, the faculty member must demonstrate willingness and ability to work effectively with colleagues to support the mission and goals of the department, the college, and University and the common goals both of the University and of the academic organizational unit. Where departments demonstrate a clear need for additional tenured faculty, the following are general guidelines for assessing the work and potential of probationary faculty who are candidates for tenure:

   a. Evidence of professional experience and performance in teaching;

   b. Evidence of direct participation in scholarship through research and/or creative activity;

   c. Evidence of continuing direct participation in University service, professional service, and public service germane to their discipline.

   d. Evidence of professional integrity that will ensure cooperation with colleagues and commitment to the programs and students of the department, the college, and the University.

B. **Outline of Faculty Data and Supporting Materials**

   Candidates for tenure will submit a completed Outline of Faculty Data form. Candidates will also submit an orderly file of supporting materials (reprints, letters of support, creative works, etc.). A list of these supporting materials will be attached to the Outline of Faculty Data form. However, the supporting materials themselves will be stored in the department. Administrators and committees involved in the review process may ask to review any or all of these supporting materials at their discretion. Departments and/or colleges may require additional specific supplemental documentation as outlined in department and/or college policies, subject to approval by the Provost and President.
Candidates for tenure will submit their OFD (including Workload Part A) and all appropriate materials to support activities in teaching, research/scholarship/creative activity, and service.

C. Teaching

1. Overview. All faculty members are expected to demonstrate high quality performance in teaching. Teaching applies to any strategy in which information is imparted so that others may learn, and may include, but is not limited to, a variety of techniques including instruction, student advising and/or mentoring, development of course materials and courseware, and development of innovative approaches to instruction. Effective

Because effective teaching is an essential qualification for tenure, and tenure should not be granted in the absence of clear evidence of a candidate’s teaching ability and potential for continued development.

2. Performance Criteria. All faculty members are expected to

   1. Candidates for tenure must demonstrate high quality performance in teaching. Although academic units of the UniversityDepartments may assign varying degrees of significance to individual criteria, all faculty members will be evaluated with respect to each of the following criteria for teaching activities:

   a. Performance in teaching of students as evaluated by students and peers;

   b. Performance in advising and mentoring;

   c. Performance in the advisement and mentoring of students, if applicable assessment activities;

   d. Improvement of their own courses and also the curricular offerings of the department, college, and Universitythe larger curriculum;

   e. Effectiveness in teaching methods, including efforts to improve pedagogy with new techniques and integration of new instructional technologies;

   f. Supervision of specialized instructional activities (student research/scholarship/creative activity, service learning, experiential learning, thesis and dissertation direction, internships, student teaching, etc.);

   g. Honors received and recognition for teaching;

   B. Currency and continued intellectual development in the field of specialization;

h. Seeking internal and external funding for instructional activities. Whether funded or unfunded, the quality of the proposal will be stressed in the evaluation. Other
factors may include the reputation of the funding source and the competition for funding; and:

i. Contributions to teaching (for example, e.g., textbooks, articles, workshops, presentations, instructional technology resources, etc.) could be appropriate here or under research/scholarship/creative activity depending on the nature of the work.

2. Documentation

a. Supporting materials as described in Section IV.B. will, at a minimum, include the candidate’s summary of activities and accomplishments in teaching; statement of teaching philosophy; course materials; evidence of student projects and other forms of student mentorship; and, all syllabi for each unique course, evidence of evaluation by faculty peers, and the one-page quantitative summaries of student evaluations for each course section evaluated during the probationary period will be added to the candidate’s supporting materials by the Department Chair/Director.

b. Other supporting materials may include, but will not be limited to selected course documents, assessment materials and reports, grant proposals, additional student input, results of alumni surveys and/or student exit interviews, and textbooks or educational articles, and innovative published contributions to teaching, if published or presented in a peer-reviewed forum pedagogy.

D. Research/Scholarship/Creative Activity

1. Overview. All faculty members are expected to demonstrate quality research, scholarship, and/or creative activity. Candidates for tenure must present evidence of their research, scholarship, and/or creative activity when they apply for tenure. Research/scholarship/creative activity applies to the studious inquiry, examination, or discovery that contributes to disciplinary and interdisciplinary bodies of knowledge. Research/scholarship/creative activity may include, but is not limited to, disciplinary and interdisciplinary activities that focus on the boundaries of knowledge, field-based scholarship, and creative activities (i.e., film-making, performances, or other artistic creations).

2. Performance Criteria. Although academic units of the University may assign varying degrees of weight to each criterion, all faculty members will be evaluated with respect to each of the following criteria:

   Direct participation

   1. To be awarded tenure, candidates must present evidence of, at minimum, quality research/scholarship/creative activity. Departments and/or colleges may assign varying degrees of significance to the following activities, based upon their policies:
a. **Participation** in research, scholarship, and/or creative activity. Faculty, which may include collaboration with undergraduate and/or graduate students may be included here.

b. **Seeking Submission of** internal and external funding proposals for research, scholarship, and/or creative activity. Whether funded or unfunded, the quality of the proposal will be stressed in the evaluation. Other factors may include the reputation of the funding source and the competition for funding.

### 2. Documentation

a. **Summary of activities and accomplishments in Research/Scholarship/Creative Activity**

   a. **The Outline of Faculty Data and supporting materials as described in Section IV.B.** above must include evidence of peer review of some elements of the candidate’s research, scholarship, and/or creative activity.

   b. **Other Supporting materials** may include, but will not be limited to, the following:

      (1) **Publications** (Reputable, high-quality peer-reviewed publications, including articles, monographs, books, electronic media, and other published works). Publications that are subject to a formal review process by recognized scholars in the field are considered more significant than those subject to less rigorous examination; non-peer-reviewed publications may be submitted and will be evaluated accordingly.

      (2) **Funded external or internal grants**, with weight given to grants from external agencies and organizations;

      (3) **Written reviews and evaluations** by qualified peers of performances, compositions, and other creative activities by qualified peers, either in person or aided by other forms of reports, are considered appropriate documentation;

      (3–4) Published programs or reviews of public performance or public display will constitute documentation of original creative work;

      (4–5) Presentations before one’s professional peers at regional, national, or international meetings/conferences;

      (5–6) The scholarship of teaching and learning (SOTL), including textbooks, educational articles, and instructional technology resources in one’s own discipline, and innovative contributions to teaching, if published or presented in a peer-reviewed forum, constitute scholarship of teaching;
(6) Funded internal grants from the University or external grants from public or private sources;

(7) Unfunded proposals for internal and external grants, where the documentation supports the quality of the proposal.

c. Documentation must be included to support a designation of accepted and/or in press.

E. Service

1. Overview. As a vital component of the University’s mission, service. To be tenured, candidates must be performed demonstrate, at the same level of minimum, quality that characterizes the teachingservicetenuervoir. Departments and research/scholarship/creative activity programs. Service encompasses a faculty member’s or colleges may assign varying degrees of significance to the following activities in three (3) areas based upon their policies:

a. University service, professional service, and public service.

University service refers to work other than teaching and research/scholarship/creative activity done performed at the department, college, and/or university level. A certain amount of such service is expected of every faculty member. University service includes, but is not limited to, meaningful participation on department, college, and University committees. Some faculty members may accept more extensive citizenship functions. University service also includes taking a role in shared governance, such as service as a leadership role in the Faculty Senate, membership, on a specially appointed task force, advisor to a University-wide student organization, and/or membership on a University search committee. Service also includes, but is not limited to, activities that contribute to the professional development of faculty, as well as to the recruitment, retention, progression, graduation, and post-graduation career placement of students.

b. Professional service refers to the work done for disciplinary professional organizations or for the teaching profession generally. Service to the profession includes, but is not limited to, association leadership, accreditation review, journal editorialship, article/manuscript/grant proposal review, guest lecturing on other campuses, and other appropriate activities. Examples of significant service would be that done by an officer of a professional organization or a member of the editorial staff of a journal.

c. Public service is the University’s outreach to the community and society at large, with major emphasis on the application of knowledge for the solution of problems with which society is confronted. Public service primarily involves
sharing professional expertise and should directly support the goals and mission of the University.

2. Performance Criteria. Participation in University service is expected of every faculty member. Although it is recognized that differences in emphases may exist, evaluation of service will be based on an appraisal of the faculty member’s performance in the three (3) areas defined above: University service, professional service, and public service. Evaluation will be based on the following criteria, with the academic unit of the University to which the faculty member is assigned determining the degree of weight for each criterion. These criteria should include: community service programs; public service consultation; University committee and administrative responsibilities; and active contributions to professional associations. In each case, documentation of the evaluation process and criteria used will be as complete as possible.

2. Documentation
a. The Outline of Faculty Data and supporting materials as described in Section IV. above must include evidence of the candidate’s service activities.

   a. Summary of activities and accomplishments in service.

   b. Supporting materials may include, but will not be limited to, the following:

   (1) A description of the candidate’s service position that permits evaluation of performance. This should include a statement of the mission or purpose of the position and of the objective(s) of the candidate’s service unit, as well as the specific assigned tasks and responsibilities of the candidate.

   (2) An evaluation of the effectiveness of the candidate’s service, as judged by its impact on individuals, groups, or organizations served. This should include indices of the success of the service activities, in terms of improvement of communities, programs, operating agencies, production processes, or management practices. The evaluations should also include indications of satisfaction with the service provided by the candidate, and of the magnitude and complexity of the work (as opposed to perfunctory activity that does not lead to useful results).

   (3) An appraisal of the candidate’s local, regional, and national stature. Although the achievement of national stature is sometimes difficult for faculty whose service activities are primarily directed to groups within the State, the public service professional should take advantage of every opportunity to project his/her accomplishments among peers on a local, regional, and national basis. Service work is sometimes not publishable. The results may be in the form of direct consultations, planning reports, or instructional time directed largely to the recipients of university service programs. But certain aspects of
service work are suitable for publication in professional journals. For example, unique techniques developed to motivate clients or new approaches to the transfer and application of knowledge would be of interest to peers in other public service programs across the nation.

(4) An external appraisal of the candidate’s local, regional, national, and/or international stature.

(3) Evidence of submission of applications seeking internal and external funding for service activities, funded internal and external grants from the University, public agencies, or private foundations; submitted proposals for external funding by public agencies or private foundations. The quality of the grant proposals, whether funded or unfunded, will be stressed in the evaluation.

VII. Expedited Tenure Review

The University will sometimes find it necessary to expedite tenure review in order to recruit high-quality faculty, especially when hiring for administrative positions. In these cases, the University’s Departmental input regarding tenure for an administrator is necessary since tenure is awarded in a specific department.

The request for expedited tenure review will be based on the candidate’s curriculum vitae rather than a traditional tenure application file. The request for candidates who have been selected as finalists will originate with the Department Chair/Director and be reviewed by the department tenure and promotion review committee. The Chair and the Dean, the college departmental tenure and promotion review committee, the Provost, and the President. Because recruitment is often time-sensitive will review the candidate’s application materials and make a recommendation to the college committee and dean within 10 business days of the search committee’s request. The dean will forward these recommendations along with their own recommendation to the Provost before a contract offer discussing tenure may be extended to a candidate. Following the completion of these steps, the President will request approval for tenure from the Board through a special called meeting, if necessary, as soon as possible. The candidate will be notified of the results after the Board vote.

VIII. Changes in Tenure/Tenure-Track Status

A. Non-renewal. Negative evaluations of Probationary Tenure-Track Faculty When tenure-track appointments of faculty are not to be renewed

1. A negative annual evaluation for further tenured-track faculty in years 1 and 2 of their service. Applicable dates for notice of non-renewal will be based upon actual years of service at the University and are in no way affected requires the President to notify them by any credit for prior service April 15 that may be awarded pursuant to Section III. of this policy. Faculty members will receive notice of their non-
they will not receive a contract for the next academic year. as follows: a. Faculty members in their first (1st) year of service will be given notice at least two (2) months in advance of their termination; 3 pre-tenure review, the annual evaluation in years 4 and 5, or tenure review is negative, these faculty receive notification by May 30 from the President that they will not be later than March 1 receive a terminal year contract for those whose appointments expire at the end of the next academic year. b. Faculty members in their second (2nd) year of service will be given notice at least five (5) months in advance of their termination; notification will not be later than January 1 for those whose appointments expire at the end of the next following Spring Commencement of the following academic year. c. Faculty members in their third (3rd) or subsequent years of service will be notified no later than the close of the academic year. Faculty members who have served three (3) or more years of their probationary appointment will be provided notice twelve (12) months prior to termination. 2. Notice of non-renewal will be effective upon personal delivery by the faculty member's Department Chair/Director of the Notice to Faculty Members form, or upon the date the notice is mailed, by certified mail, return receipt requested, postage prepaid, to the A faculty member's current home address on record at the University. Said written notice will carry the signature of the President or designee. 3. When faculty members on tenure-track appointments complete the sixth (6th) year of their probationary period, they will either be recommended for tenure by the President or will be given notice of non-renewal. Notice of non-renewal will be given by the President no later than the final day of the sixth (6th) academic year. The appointment to the University will end at the close of the seventh (7th) academic year. A faculty member's rights in such instances where timely notice is not given are described in Section III.E. 4. Faculty members on tenure-track appointments will 2. Notice of non-renewal, a negative pre-tenure review, or a negative tenure review will be provided via email and a hard copy will be provided by one of the following: (1) personal delivery by the faculty member’s Chair, (2) certified mail, return receipt requested, postage prepaid, or (3) overnight courier. Any notification or document sent as specified above will be effective on the date that it is sent via any of the means set forth above. 3. Tenure-track faculty members will not be terminated during the annual specified term of the appointment, contract year except for reasons that would be sufficient for the termination of tenured faculty. Adequate cause. See below. 5. The non-renewal or non-reappointment of faculty members on a tenure-track appointment does not necessarily carry an implication that their work or conduct has been unsatisfactory. No proprietary or other interest in a position is created by acceptance of a probationary appointment. 6. Decisions 4. Recommendations of non-renewal of a tenure-track faculty appointment during the probationary period are not subject to appeal to the Board unless there is an alleged
violation of state or federal law under the limitations described in Policy 206 Tenure and Promotion Appeals. Policy 206 Tenure and Promotion Appeals.

B. Transfer of Tenure

Faculty members tenured in an academic program unit (i.e., a department or division) may be transferred to another academic program unit. In such cases, the transfer from the department in which they will be made with retain tenure, moreover, the tenure appointment will be transferred to the new academic program unit. In no instance may/must the faculty member be compelled to relinquish abandon tenure as a condition for effectingof the transfer.

C. Expiration Abandonment of Tenure

Tenure status will expire upon retirement of a faculty member. Tenure will also expire upon the event of permanent physical or mental inability of a faculty member, as established by an appropriate medical authority or other relevant factors, to continue to perform his/her assigned duties.

D. Relinquishment of Tenure

A faculty member will relinquish abandon or waive his/her right to tenure upon resignation if one of the following occurs:

1. They resign from the University or upon failure.

2. They fail to report for service aton the designated date first day of the beginningclasses of any academic term without notice, which. Such failure to report will be deemed to be a resignation, unless, in the opinion of the President, Provost believes that the faculty member has shown good cause for such failure to report.

3. They are absent from work without approved leave for five consecutive days. Such absences will be deemed a resignation unless the Provost believes that the faculty member has shown good cause for such absence.

Notwithstanding the above, tenure is not relinquished abandoned during periods of approved leaves of absence or during administrative assignments at the University.

D. Termination of Tenure for Reasons of Financial Exigency

A tenured faculty member may be terminated as a result of financial exigency subject to declaration by the Board that such financial conditions exist. Personnel decisions recommendations (including those pertaining to tenured faculty) that result from a declaration of financial exigency will comply with Policy 40.
Financial Exigency Policy 40 Financial Exigency; also see definition of financial exigency in Section II.

E. Termination of Tenure for Curricular Reasons

The employment of a tenured faculty member’s employment may be terminated because when an academic program is deleted from the curriculum or because of substantial and continued reduction of student enrollment in a field or discipline.

“Program is deleted from the curriculum” means that the Board takes formal action to terminate a degree major, concentration, or other curricular component and that such termination eliminates or reduces need for faculty, thus reducing the requirement to employ qualified faculty in the field. Substantive and continued reduction of student enrollment in a field means that over a period of at least three (3) years student enrollment in a field has decreased at a rate in considerable excess of that of the University as a whole and that such reduction has resulted in faculty to student ratios that cannot be warranted in the opinion of the President, cannot be warranted either by comparison with equivalent faculty load practices within the University or by comparisons with faculty loads in comparable departments or academic program units at similar universities which the President would deem to be appropriate for comparison.

Before declaring that curricular reasons exist, the President will ensure meaningful participation by the faculty senate in identifying the specific curricular reasons, evaluating the long-term effect on the University’s curriculum and its strategic planning goals, and the advisability of initiating further action. Prior to initiating the process described below terminating a program for curricular reasons, the President will present a written description of curricular reasons that may warrant the termination of tenured faculty member(s). Subsequent to provision of the written description, the President will meet with the faculty senate to review the curricular reasons. The faculty senate will have the opportunity to respond in writing to the President before any action described below is initiated. Each of these reasons for termination of tenure for curricular reasons must denote drastic proposed reductions in faculty must be substantially greater than any shifts in staffing needs that warrant greater reductions than those that are accommodated annually to address shifting positions from one department to another or among colleges to handle changing enrollment patterns.

F. Procedures for Termination of Tenure for Curricular Reasons

Before terminating tenured faculty, the President shall deny renewal to part-time faculty, temporary faculty, clinical track, research track, and tenure-track faculty in the probationary period, before termination of tenured faculty.
1. **Upon** determining that **curricular reasons warrant** termination of tenured **faculty members** is warranted for **curricular reasons**, the President will consult with the **Department Chair/Directors/Chairs** and **Deans** of affected departments **concerning** to understand which terminations would least jeopardize the **educational/academic programs** of **in** their departments. The President will base decisions about which faculty member(s) should be terminated upon **units**. An assessment as to what action of which terminations would least seriously compromise the **educational programs** in a department or division. **Termination for curricular reasons** presumes a staffing pattern in a department or **unit**’s academic program unit that cannot be warranted either by comparison with general load practices within the University or by comparison with faculty loads in comparable departments or academic program units at similar universities. In that light, the programs will drive the President’s decisions regarding faculty termination. The President will also, at **his/her discretion**, base decisions on a careful assessment of the impact of the curricular reason on staffing requirements in the department or academic program unit as compared to consider overall **staffing patterns** in the University and to comparable departments or academic program units which, in **his/her judgment**, are in universities similar enough to warrant assessment at the University and at peer institutions.

Unless the President demonstrates (preferably by means of past performance evaluations) that an exception should be made to protect the quality of an educational program, **While it is within the President’s purview to make exceptions**, the following considerations should guide the President in determining the order of faculty reductions in a department where termination of tenured faculty is proposed for **curricular reasons**:

a. **among** tenured faculty, **those with higher rank should have priority in retaining their tenured positions** over those with lower rank;

b. **among** tenured faculty **with** comparable rank, **those with appropriate higher** terminal academic degree(s) **should have priority in retaining their tenured positions** over those with lower degree(s); and **without appropriate terminal degrees**;

c. **among** **tenured faculty with** comparable rank and **comparable degrees**, **those with greater seniority** should have priority in retaining their **tenured positions** over those with less seniority.

The President will furnish each faculty member to be terminated with a written statement of the **reasons for the termination**. These reasons will indicate the manner and the information upon which **how** the decision of which faculty members were to be terminated was reached. The President’s written statement
will also indicate that the faculty member has the opportunity to may respond in writing stating any to state objections to the decision.

When a tenured faculty member is to be terminated for curricular reasons, the President will make every possible effort to relocate the tenured faculty member in another to an existing vacant position for which they are qualified. In instances where the President believes that relocation within the University is possible, the University has an obligation to make a significant effort to relocate the faculty member, including the bearing of reasonable retraining costs. The final decision on relocation is within the President’s discretion.

2. If a faculty member to be terminated indicates objections to the President’s written statement and requests a review, the President will appoint a faculty committee consisting of a minimum of five (5) tenured faculty members from a slate of ten (10) tenured faculty members proposed by the faculty senate. The committee will conduct a hearing on the proposed termination(s). The committee will report its findings and recommendations to the President, who will in a reasonable time, inform the faculty member(s) proposed for termination in writing that the decision for termination stands or that it has been altered.

3. The President’s decision to terminate a tenured faculty member for curricular reasons is subject to appeal to the Board only as provided in Policy 60 Appeals andAppearances before the Board.

4. When a tenured faculty member is terminated for curricular reasons, the position will not be filled by a new appointee with the same areas of specialization as the terminated faculty member within a period of at least three (3) years, unless the terminated faculty member has been offered, in writing, reappointment to the position at his/her previous rank and salary (with the addition of an appropriate increase which, in the opinion of the President, would constitute the raise(s) that would have been awarded during the period he/she was not employed) of unemployment.

G. Termination for Adequate Cause

A tenured faculty member, or a tenure-track faculty member during the annual specified term of the appointment, may be terminated for adequate cause. Adequate cause includes the following:

1. Incompetence or dishonesty in teaching or research;

2. Willful failure to perform the duties and responsibilities for which the faculty member was employed or refusal or continued failure to comply with the policies of the University, or to carry out specific assignments when such policies or assignments are reasonable and non-discriminatory;
3. Conviction of a felony or a crime involving moral turpitude;

4. Improper use of narcotics or intoxicants that substantially impair the faculty member’s fulfillment of departmental and institutional duties and responsibilities;

5. Capricious disregard of accepted standards of professional conduct;

6. Falsification of information on an employment application or other information concerning qualifications for a position; and/or

7. Failure to meet maintain the level of professional excellence and ability demonstrated by other members of the faculty in the department or academic program unit of the University—ethical standards as defined in “Ethics Guidelines for Faculty” (Adopted by the Faculty Senate, April 11, 1994).

8. Termination of an appointment with tenure for medical reasons will be based upon clear and convincing medical evidence that the faculty member cannot continue to fulfill the terms and condition of the appointment. The decision to terminate will be reached only after there has been appropriate consultation and after the faculty member concerned, or someone representing the faculty member, has been informed of the basis of the proposed action and has been afforded an opportunity to present the faculty member’s position and respond to the evidence.

H. Procedures for Termination for Adequate Cause

Termination

1. Except for announcements such as those concerning scheduling of proceedings, public discussions about such proceedings by either the faculty member with a tenure appointment or administrators will be subject to the following procedures:

1. No termination will be effective until steps four (4) through nine (9) below have been completed. Suspensions pending termination will be governed by the following procedures: a. A faculty member may not be suspended avoided pending completion of steps four (4) through nine (9) unless it is determined by this process.

2. Termination for adequate cause may be initiated upon a recommendation by the Provost to the President or a decision by the President.

3. If the University determines that the faculty member’s presence on campus during the termination process poses a danger to persons or property or a threat of destruction to the academic or operational processes of the University, Reassignment of responsibilities is not considered suspension; however, the faculty member must may be reassigned or suspended.

a. If the University determines that it is in the institution’s best interest to reassign a faculty member pending resolution of the termination for adequate cause process, the University may reassign a faculty member to responsibilities for which he/she is they are qualified.
b. In any case of suspension, if the faculty member shall be given an opportunity at the time of the decision or immediately thereafter to be suspended, they may contest the suspension; and, if there are disputed issues of fact or cause and effect, the faculty member will and be provided the opportunity for a hearing on within five (5) days of being notified of the suspension as soon as possible, at which time the faculty member may cross-examine his witnesses testifying against him/her accuser, present witnesses on their behalf, and be represented by an attorney. Thereafter, whether the suspension is upheld or revoked, the matter will proceed pursuant to these procedures.

3. Except for such simple announcements as may be required concerning the time of proceedings and similar matters, public statements and publicity about these proceedings by either the faculty member or administrative officers will be avoided so far as possible until the proceedings have been completed, including consideration by the Board.

4. Upon a recommendation by the Provost to the President or upon a decision by the President that these procedures should be undertaken in consideration of the termination

4. In advance of a faculty member, one or more forming a Termination Hearing Committee (Committee), appropriate administrators will meet privately with the faculty member for purposes of attempting to reach a mutually acceptable resolution of the problems giving rise to the proposed termination proceedings.

5. If no mutually acceptable a solution is reached, the proceedings end. If a resolution is not reached through step four (4), the following steps will be taken: a. The faculty member will be given a statement of the specific charges alleged by the University which constitute grounds for termination and a notice of hearing specifying the time, date, and place of the hearing. The statement and notice must be provided at least twenty (20) days prior to the hearing. The faculty member will respond to the charges in writing at least five (5) days prior to the hearing. The faculty member may waive the charges and agree not to contest the termination by waiving the hearing by execution of a written waiver.

5. A Hearing Committee consisting of tenured faculty or tenured faculty and the Provost will be appointed to hear the case and to determine if adequate cause for termination exists according to the procedure hereinafter described. The committee will be appointed by the President. Nominations for service on this Committee are provided to the President, with recommendations coming from the faculty senate by the Faculty Senate, with one tenured full faculty member at the rank of professor representing each of the following colleges: Basic and Applied Sciences, Behavioral and Health Sciences, Business, Education, Liberal Arts, Behavioral and Health Sciences, Library, Media and Entertainment, and University College. Members
deeming themselves disqualified for bias or interest will remove themselves from the case, either at the request of a party or on their own initiative. Members of the committee will not discuss the case outside deliberations and will report any ex-parte communication pertaining to the hearing to the President, who will notify all parties of the communication.

6. The Hearing Committee will elect a chair who will direct the proceedings and rule on procedural matters, including the granting of reasonable extensions of time at the request of any party and upon the showing of good cause for the extension.

7. The Office of University Counsel will represent the University in the hearing.

8. The chair of the hearing committee may in their discretion require a joint pre-hearing conference with the parties, which may be held in person or by a conference telephone call or videoconference. The purpose of the pre-hearing conference should include, but is not limited to, one or more of the following:

   a. Notification as to procedure for conduct of the hearing;

   b. Exchange of witness lists, documentary evidence, and affidavits;

   c. Define and clarify issues;

   d. Effect stipulations of fact; and

   e. Any other appropriate preliminary matters.

A written memorandum of the pre-hearing conference should be prepared and provided to each party.

9. A hearing will be conducted by the hearing committee to determine whether adequate cause for termination of the faculty member exists, as defined above. The hearing will be conducted according to the procedures below and will not be open to the public.

   a. During the hearing, the faculty member will be permitted to have an academic advisor present and may be accompanied by a University employee and may be represented by legal counsel of his/her choice.

   b. A verbatim record of the hearing will be taken, and a written copy will be made available to the faculty member for a reasonable fee, upon request.

   c. The burden of proof that adequate cause exists rests with the University and will be satisfied only by clear and convincing evidence in the record considered as a whole.
d. The faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The administration will cooperate with the committee Committee in using its best efforts making every effort to secure witnesses and make available documentary and other evidence that is under its control.

e. The faculty member and the administration University will have the right to confront and cross-examine all witnesses. Where the witnesses cannot or will not appear, but the committee Committee determines that the interests of justice require admission of their statements, the committee of witnesses who cannot or will not appear, the Committee will identify the witnesses, disclose their statements, and, if possible, provide for interrogatories. An affidavit may be submitted in lieu of the personal appearance of a witness, if the party offering the affidavit has provided a copy to the opposing party at least ten (10) days prior to the hearing and the opposing party has not objected to the admission of the affidavit in writing within seven (7) days after delivery of the affidavit, or if the committee Committee chair determines that the admission of the affidavit is necessary to ensure a just and fair decision.

f. In a hearing on charges of incompetence, the testimony will include that of qualified faculty members from the University and/or other universities of higher education.

g. The hearing committee Committee will not be bound by strict rules of legal evidence and may admit any evidence which is of probative value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available.

h. The findings of fact and the Committee will issue a written report issued by the committee will be based solely on the hearing record. The to the President (Committee report) and the faculty member will be provided a copy of the written committee report. The committee’s written, the Committee report will specify findings of fact based solely on the hearing record, including applicable policy, and will state whether the committee Committee has determined that adequate cause for termination exists and, if so, the specific grounds for termination found. In addition, the committee may recommend action less other than dismissal. The report will also specify any applicable policy the committee considered.

10. After consideration the committee’s Committee’s report and the record, the President may, in his/her discretion, consult with the faculty member prior to reaching a final decision regarding termination. Following his/her review. If the President’s and the Committee’s decisions differ, the President will notify the faculty member of his/her decision, which, if contrary to the committee’s
recommendation, will be accompanied by a written statement of explaining the reasons decision.

11. If the faculty member is terminated or suspended as a result of the President’s decision, the faculty member may have grounds to appeal the President’s action to the Board pursuant to Policy 60 Appeals and Appearances before the Board. Review of the appeal will be based upon the record of hearing. If upon review of the record, the Board notes objections regarding the termination and/or its proceedings, the matter will be returned to the President for reconsideration, taking into account the stated objections, and, at the discretion of the President, the case may be returned to the hearing committee for further proceedings.

NOTE 1: This revised policy is applicable to all tenure actions taken on or subsequent to July 1, 2008 for all MTSU faculty regardless of whether his/her employment began prior or subsequent to July 1, 2004.

Note: The definition of tenure (II: A) became effective January 1, 1984. That definition applied only to faculty tenured subsequent to the effective date. For faculty members tenured previous to January 1, 1984, the applicable definition of tenure will be: “a status pursuant to which the academic year appointments of full-time faculty who have been awarded tenure are continued at a university until the expiration or relinquishment of that status, subject to termination for adequate cause, for financial exigency, or curricular reasons (see policy adopted June 25, 1976).”

Forms:
Outline of Faculty Data
Revisions: none, June 5, 2017 (original); ________, 2020.
Last Reviewed: June 2017_______ 2020.

References: T.C.A. § 10-7-101; 10-7-503; Ethics Guidelines for Faculty; Policies 10 Ethics and Code of Conduct; 26 Discrimination and Harassment Based on Protected Categories Other than Sex; 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression; 40 Financial Exigency; 60 Appearances before the Board; 202 Faculty Definition, Roles and Responsibilities and Appointment Types; 205 Promotion of Tenured and Tenurable Faculty; 206 Tenure and Promotion Appeals; 211 Misconduct in Scholarly Activities and Research; 816 Nepotism.